

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

CONSTELLATION POWER SOURCE GENERATION, INC.^{i/}

Employer

and

BALTIMORE GAS AND ELECTRIC COMPANY

Employer

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
AFL-CIO, LOCAL UNION 1900

Petitioner

CASES 5-RC-14906; 5-RC-14907; 5-RC-14908; 5-RC-14909

**DECISION AND DIRECTION OF ELECTION
AND ORDER DISMISSING PETITION**

Upon petitions duly filed under Section 9(c) of the National Labor Relations Act, as amended, the above cases were consolidated and a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employers are engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.^{ii/}
3. The Petitioner involved claims to represent certain employees of the Employers.^{iii/}
4. A question affecting commerce exists concerning the representation of certain employees of the Employers in Cases 5-RC-14907, 5-RC-14908, and 5-RC-14909 within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. No question affecting commerce exists concerning the representation of certain employees of the Employer CPSP in Case 5-RC-14906 within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act, for reasons set forth below.
6. The following employees of the Employers constitute units appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act, for reasons set forth below:

Constellation Power Source Generation, Inc. Case No. 5-RC-14907:

All full-time and regular part-time physical production and maintenance employees of Constellation Power Source Generation, Inc., including all warehouse employees and truck drivers, but excluding all other employees, all chauffeurs, all confidential, managerial, office clerical, professional and technical employees, and all guards and supervisors as defined in the Act.

OVER

Baltimore Gas and Electric Company Case No. 5-RC-14908:

All full-time and regular part-time technical employees of Baltimore Gas and Electric Company, but excluding all other employees, all chauffeurs, all truck drivers, all confidential, managerial, office clerical, physical production and maintenance, professional, and warehouse employees, and all guards and supervisors as defined in the Act.

Baltimore Gas and Electric Company Case No. 5-RC-14909:

All full-time and regular part-time physical production and maintenance employees of Baltimore Gas and Electric Company, including all warehouse employees and truck drivers, but excluding all other employees, all chauffeurs, all confidential, managerial, office clerical, professional and technical employees, and all guards and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the units found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the units who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, LOCAL UNION 1900

LIST OF VOTERS

To insure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the *full* names and addresses of all the eligible voters must be filed by the Employer with the Regional Director for each of the appropriate units described above within 7 days from the date of this Decision. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the lists available to all parties to the election. No extension of time to file the lists shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Your attention is directed to Section 103.20 of the Board's Rules and Regulations, a copy of which is enclosed. Section 103.20 provides that the Employer must post the Board's official Notice of Election at least three full working days before the election, excluding Saturdays and Sundays, and that its failure to do so shall be grounds for setting aside the election whenever proper and timely objections are filed.

ORDER DISMISSING PETITION

IT IS HEREBY ORDERED that the petition filed in Case 5-RC-14906 herein be, and it hereby is dismissed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, D.C. 20570-0001. The request must be received by the Board in Washington by **December 1, 2000**.

Dated November 17, 2000

at Baltimore, Maryland

/s/ STEVEN L. SHUSTER
Acting Regional Director, Region 5



i/ Constellation Power Source Generation, Inc. (CPSG) appears as the Employer in Cases 5-RC-14906 and 5-RC-14907 based upon the facts contained in the parties' Joint Stipulation, as amended, and their Responses to Orders to Show Cause, as described herein.

ii/ Baltimore Gas and Electric Company (BGE), the Employer in Cases 5-RC-14908 and 5-RC-14909, is a Maryland corporation and public utility regulated by the Public Service Commission of Maryland, with its principal office in Baltimore, Maryland. BGE supplies electricity and natural gas used for heat, light and power by residential and business customers. During the past twelve months, BGE derived gross revenues in excess of \$250,000 and sold and shipped from its Maryland facilities, products, goods and materials valued in excess of \$100,000 directly to points outside the State of Maryland. The parties agree that Employer BGE is subject to the Board's jurisdiction.

On July 1, 2000, BGE transferred all of its non-nuclear generating assets to Constellation Power Source Generation, Inc. (CPSG). As explained herein, I have found that CPSG is a successor to BGE's Fossil Energy Division (FED). Thus, as further explained herein, I have amended the petitions in Cases 5-RC-14906 and 5-RC-14907 to name CPSG as the Employer. CPSG is a wholly owned and unregulated subsidiary of Constellation Power Source Holdings, Inc. CPSG is engaged in the generation and sale of electrical power. It sells the power it produces into the wholesale market through Constellation Power Source, Inc. One of CPSG's customers is BGE. Based on a projection of its operations, CPSG will, during the twelve month period following July 1, 2000, derive gross revenues in excess of \$250,000 and sell and ship from its Maryland facilities, products, goods and materials valued in excess of \$100,000 directly to points outside the State of Maryland. Based on the foregoing, I find that CPSG is likewise subject to the Board's jurisdiction.

iii/ International Brotherhood of Electrical Workers, AFL-CIO, Local Union 1900, (the Union, the Petitioner or IBEW), filed the four representation petitions in this case on October 14, 1999.